

### Declaration and Power of Attorney for Patent Application

As a below named inventors, I/We hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

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the specification of which

  X   is attached hereto.

       was filed on                     , as Application Serial No.                      and  
was amended on                       
(if applicable)

I/We hereby state that I/We have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I/We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I/We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

#### Prior Foreign Application(s)

#### Priority Claimed

|                               |                                |                                       |                                 |                                |
|-------------------------------|--------------------------------|---------------------------------------|---------------------------------|--------------------------------|
| <u>          </u><br>(Number) | <u>          </u><br>(Country) | <u>          </u><br>(Day/Month/Year) | <input type="checkbox"/><br>YES | <input type="checkbox"/><br>NO |
| <u>          </u><br>(Number) | <u>          </u><br>(Country) | <u>          </u><br>(Day/Month/Year) | <input type="checkbox"/><br>YES | <input type="checkbox"/><br>NO |
| <u>          </u><br>(Number) | <u>          </u><br>(Country) | <u>          </u><br>(Day/Month/Year) | <input type="checkbox"/><br>YES | <input type="checkbox"/><br>NO |

I/We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I/We acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

|                        |                          |                                |
|------------------------|--------------------------|--------------------------------|
| <u>PCT/US94/10530</u>  | <u>16 September 1994</u> | <u>Pending</u>                 |
| (Serial No.)           | (Filing Date)            | (Status)                       |
|                        |                          | (patented, pending, abandoned) |
| <u>USSN 08/123,280</u> | <u>17 September 1993</u> | <u>Abandoned</u>               |
| (Serial No.)           | (Filing Date)            | (Status)                       |
|                        | <i>Scalzo</i>            | (patented, pending, abandoned) |

I/We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I/We hereby appoint the following attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

|                     |                                |
|---------------------|--------------------------------|
| David J. Levy       | Registration No. <u>27,655</u> |
| Charles T. Joyner   | Registration No. <u>30,466</u> |
| Gardiner F.H. Smith | Registration No. <u>37,446</u> |
| Charles E. Dadswell | Registration No. <u>35,851</u> |
| R. Cole Harrington  | Registration No. <u>36,376</u> |

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1. 00

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3-16-95

Date

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3. George F. Dorsey, Jr.  
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Inventor's Signature

16 March 1995  
Date

4-00

4. Robert A. Mook, Jr.  
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Robert A. Mook, Jr.  
Inventor's Signature

March 16, 1995  
Date



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US DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeRECORDATION FORM COVER SHEET  
**PATENTS ONLY**

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Stephen V. Frye, Robert A. Mook, Jr., George F. Dorsey, Jr.,  
Kenneth W. Batchelor

Additional name(s) of conveying party(ies) attached?

No

## 3. Nature of conveyance:

☒ **Assignments**

Merger

Security Agreement

Change of Name

Other \_\_\_\_\_

Execution Date: March 16, 1995

## 2. Name and address of receiving party(ies):

Name: **GLAXO INC.**Internal Address: **Legal-Patent Group**Street Address: **5 MOORE DRIVE**City: **RTP** State: **NC** Zip: **27709**

Additional name(s) &amp; address(es) attached?

Yes  
No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: March 16, 1995

A. Patent Application No.(s)

B. Patent No.(s)

MAY 24 1999

Additional numbers attached?

Yes

☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Charles E. Dadswell**Internal Address: **Glaxo Inc.****Legal-Patent Group**Street Address: **Five Moore Drive**City: **RTP** State: **NC** Zip: **27709**6. Total number of applications and patents involved: **1**7. Total fee (37 CFR 3.41):.....\$ **40.00**

Enclosed

☒Authorized to be charged to deposit account.  
Previously Submitted8. Deposit account number: **07-1392**

(Attach copy of this page if paying by deposit account)

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Charles E. Dadswell

Name of Person Signing

Signature

Date

Total number of pages comprising cover sheet: **5**

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**ASSIGNMENT**

I, Kenneth W. Batchelor, for good and valuable consideration, receipt of which is hereby acknowledged, from GLAXO INC., a North Carolina corporation having its principal place of business in Research Triangle Park, NC, hereinafter called the Assignee, do hereby sell, assign and transfer unto the Assignee, its successors and assigns, the entire right, title and interest in, to and under an application for Letters Patent of the United States executed by us on the same date for:

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and the inventions and any of them therein set forth and described, and any and all Letters patent of the United States and of countries foreign thereto which may be granted thereon or therefor including any continuation, division, renewal, substitute, reissue or extension thereof or any legal equivalent thereof.

For the above consideration, I agree promptly upon request of the Assignee, its successors or assigns, to execute and deliver without further compensation any power of attorney, continuation or reissue, or other papers which may be necessary or desirable fully to secure to the Assignee, its successors and assigns, the inventions and any of them described in said application and all patent rights therein, in the United States and in any country foreign thereto.

IN WITNESS WHERETO, I, Kenneth W. Batchelor, hereunto set my hand and seal this 16 day of March, 1995.

KWBatchelor  
Kenneth W. Batchelor

State of North Carolina  
County of Durham

Before me this 16 day of March, 1995,  
personally appeared, Kenneth William Batchelor, who  
is to me personally known, and acknowledged the  
foregoing instrument of assignment to be his free act  
and deed.

Sharon Elizabeth Scott  
Notary Public  
My commission expires 11/15/97

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